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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 EDDIE JAMES THOMAS, JR.,

10 Petitioner,

11 vs.

12 JAMES BENEDETTI, et al.,

13 Respondents.
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Case No. 3:09-CV-00455-HDM- (RAM)

ORDER

15 Petitioner has submitted a fourth amended petition for a
16 writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#27). The
17 court has reviewed it pursuant to Rule 4 of the Rules Governing
18 Section 2254 Cases in the United States District Courts.
19 Respondents will need to file a response to the fourth amended
20 petition.

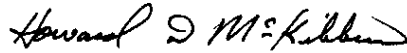
21 Petitioner has paid the filing fee twice (#16, #30). The
22 court will refund him one of those fees.

23 IT IS THEREFORE ORDERED that respondents shall have
24 forty-five (45) days from the date of entry of this order to answer
25 or otherwise respond to the amended petition (#27). If respondents
26 file and serve an answer, then they shall comply with Rule 5 of the
27 Rules Governing Section 2254 Cases in the United States District
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1 Courts, and then petitioner shall have forty-five (45) days from
2 the date on which the answer is served to file a reply.

3 IT IS FURTHER ORDERED that the clerk of the court refund
4 five dollars (\$5.00) to petitioner.

5 DATED: April 19, 2011.

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HOWARD D. MCKIBBEN
9 United States District Judge
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